

PAUL HARRIS (SBN 45302)
PATRICK ROMERO GUILLORY (SBN 91870)
503 Dolores Street, Second Floor
San Francisco, CA 94110
Telephone: (415) 285-1882
Facsimile: (415) 285-1080

Bingham McCutchen LLP
J. LEAH CASTELLA (SBN 205990)
MELISSA BROWN (SBN 203307)
A. ROBERT RHOAN, JR. (SBN 231949)
Three Embarcadero Center
San Francisco, CA 94111-4067
Telephone: (415) 393-2000
Facsimile: (415) 393-2286

Attorneys for Petitioners
Roselind Quair & Charlotte Berna

VAL W. SALDANA (SBN 78004)
LAURIE L. QUIGLEY (SBN 155543)
KIRSTEN O. ZUMWALT (SBN 227997)
Lang, Richert & Patch PC
P. O. Box 40012
Fresno, CA 93755-0015
Telephone: (559) 228-6700
Facsimile: (559) 228-6727

Attorneys for Respondents
Clarence Atwell, Jr., et al.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROSELIND QUAIR & CHARLOTTE BERNA,
Petitioners,
v.
CLARENCE ATWELL, JR., ELMER THOMAS,
KEVIN THOMAS, DENA BAGA, ELAINE
JEFF, and PATRICIA DAVIS, and DOES 1 to
50,
Respondents.

No. 1: 02 CV 5891 REC DLB

**STIPULATION AND ORDER TO
MODIFY THE SCHEDULING
ORDER**

Judge: Hon. Dennis L. Beck

Case No. CV F 02 5891 REC DLB

STIPULATION AND [PROPOSED] ORDER TO MODIFY THE SCHEDULING ORDER

Petitioners Rosalind Quair and Charlotte Berna (collectively “Petitioners”), and Respondents Clarence Atwell, Jr., Elmer Thomas, Kevin Thomas, Dena Baga, Elaine Jeff, Patricia Davis (collectively “Respondents”), by and through their respective counsel, hereby agree and stipulate as follows, and respectfully request the Court enter the following Stipulation as an Order:

STIPULATION

WHEREAS, on August 5, 2005 the Court granted Petitioners a continuance of their Motion for a Protective Order in order to provide additional evidence in support thereof;

WHEREAS, the parties submitted a Stipulation and Proposed Order to Continue Petitioners' Motion for Protective Order And Respondents' Motion to Compel And Modify The Scheduling Order ("Scheduling Order") to modify the schedule in this action with respect to dispositive motions, the trial date, and Petitioners' Motion for Protective Order, and said order was entered on August 15, 2005;

WHEREAS, pursuant to the Scheduling Order, Petitioners were to submit additional evidence in support of their Motion for Protective Order on August 26, 2005;

WHEREAS, Petitioners seek to move the time to provide additional evidence in support of their Motion for Protective Order from August 26, 2005 to September 1, 2005 due to illness and scheduling conflicts, and notified counsel for Respondents of this intent in writing on August 16, 2005;

WHEREAS, Petitioners do not seek to make any other changes to the Scheduling Order as a result of this request;

WHEREAS, counsel for Petitioners agreed to make such arrangements as to cause delivery of any such evidence by September 2, 2005 to the offices of Lang, Richert & Patch;

1 WHEREAS, Respondents do not object to the above-described extension;

2 THEREFORE, the parties agree to allow Petitioners to submit additional evidence
3 in support of their Motion for Protective Order on September 1, 2005. Accordingly, Petitioners,
4 through their attorneys of record, respectfully request that the Court modify the Scheduling
5 Order as described above.

6 It is hereby, AGREED.

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2 DATED: August __, 2005

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4 Bingham McCutchen LLP

5
6 By: _____
7 Melissa K. Brown
8 Attorneys for Petitioners
9 ROSELIND QUAIR & CHARLOTTE BERNA

10 LANG, RICHERT, & PATCH

11
12
13 By: _____
14 Laurie L. Quigley
15 Attorneys for Respondents
16 CLARENCE ATWELL, JR., ELMER
17 THOMAS, KEVIN THOMAS, DENA
18 BAGA, ELAINE JEFF, AND
19 PATRICIA DAVIS

20 **IT IS SO ORDERED:**

21 DATED: August 23, 2005.

22 _____
23 /s/ Dennis L. Beck
24 Hon. Dennis L. Beck
25 Chief Magistrate Judge
26 United States District Court, Eastern District
of California